

08 CIV 7280

JUDGE KAPLAN
Michael J. Frevola
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ATTORNEYS FOR PLAINTIFF
FHH FONDS NR. 29 MS "TAMPA BAY" – MS "TURTLE BAY"
GMBH & CO. CONTAINERSCHIFF KG

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FHH FONDS NR. 29 MS "TAMPA BAY" –
MS "TURTLE BAY" GMBH & CO.
CONTAINERSCHIFF KG,

Plaintiff,

-against-

SHANDONG YANTAI INTERNATIONAL
MARINE SHIPPING CO. a/k/a SHANDONG
PROVINCE YANTAI INTERNATIONAL
MARINE SHIPPING CO. a/k/a SYMS,

Defendant.

08 Civ. _____

**AFFIDAVIT IN
SUPPORT OF ATTACHMENT**

STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

Michael J. Frevola, being duly sworn, deposes and says:

1. I am a member of the firm of Holland & Knight LLP, attorneys for Plaintiff FHH
Fonds Nr. 29 MS "Tampa Bay" – MS "Turtle Bay" GmbH & Co. Containerschiff KG ("Plaintiff")

or "FHH"), and I am duly admitted to practice before the United States District Court for the Southern District of New York.

2. I am familiar with the facts and circumstances underlying this dispute and I am submitting this affidavit in support of the Verified Complaint and the requested Writ of Attachment.

3. Defendant is not listed in the telephone directory of the principal metropolitan areas in this district, nor is it listed in the Transportation Tickler, a recognized commercial directory in the maritime industry.

4. Our office contacted the Secretary of State for the State of New York and was advised that Defendant is neither a New York business entity, nor is it a foreign business entity authorized to do business in New York.

5. To the best of my information and belief, Defendant cannot be found within this district or within the State of New York.

6. Based upon the facts set forth in the Verified Complaint, I respectfully submit that the Defendant is liable to Plaintiff for the damages alleged in the Verified Complaint, which amounts, as best as can be presently determined, to a total of \$1,309,226.30, including estimated interest, expenses and attorneys' fees.

7. Upon information and belief, Defendant has goods, chattels, credits, letters of credit, bills of lading, debts, effects and monies, funds, credits, wire transfers, accounts, letters of credit, electronic fund transfers, freights, sub-freights, charter hire, sub-charter hire, or other tangible or intangible property which belongs to it, is claimed by it, is being held for it or on its behalf, or which is being transferred for its benefit, within the jurisdiction and held in the

name(s) of Shandong Yantai International Marine Shipping Co. and/or Shandong Province Yantai International Marine Shipping Co. and/or SYMS at one or more of the following financial institutions:

Bank of America, N.A.

Bank of China

The Bank of New York

Citibank, N.A.

Deutsche Bank Trust Company Americas

HSBC Bank USA, N.A.

JPMorgan Chase Bank, N.A.

UBS AG

Wachovia Bank, N.A.

Société Générale

Standard Chartered Bank

BNP Paribas

Calyon Investment Bank

American Express Bank

Commerzbank

ABN Amro Bank

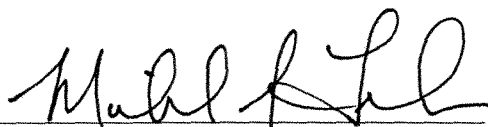
Bank Leumi USA

Banco Popular

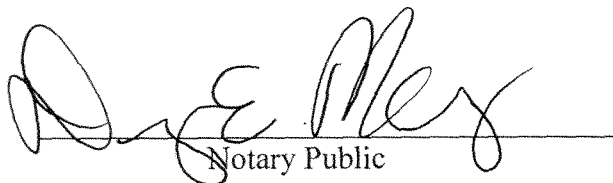
Bank of Tokyo-Mitsubishi UFJ Ltd.

8. Plaintiff is, therefore, requesting that this Court, pursuant to Rule B(1) of the Supplemental Rules for Certain Admiralty and Maritime Claims and Asset Forfeiture Actions of the Federal Rules of Civil Procedure, issue a writ of maritime attachment for an amount up to \$1,309,226.30.

WHEREFORE, Plaintiff respectfully requests that the application for a writ of maritime attachment and garnishment be granted.


Michael J. Frevola

Sworn to before me this
15th day of August, 2008


Notary Public

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DIAZ E. MORALES
Notary Public, State of New York
NO. 01MO6059215
Qualified in New York County
Commission Expires June 25, 2011